

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**CHAD WEST,**

**Petitioner,**

**v.**

**CASE NO. 2:18-CV-122  
JUDGE GEORGE C. SMITH  
Magistrate Judge Vascura**

**WARDEN, CORRECTIONS  
RECEPTION CENTER, *et al.***

**Respondents.**

**OPINION AND ORDER**

On March 2, 2018, the Magistrate Judge issued a Report and Recommendation (“R&R”) recommending that this habeas action be dismissed without prejudice for failure to exhaust state court remedies. (ECF No. 2). Although the parties were advised of the right to object to the R&R, and of the consequences of failing to do so, no objections have been filed. The R&R (ECF No. 2) is therefore, **ADOPTED** and **AFFIRMED**. This action is **DISMISSED WITHOUT PREJUDICE**.

Pursuant to 28 U.S.C. § 2253(c)(1)(A), the Court must also assess whether to issue a certificate of appealability. *See also* Rule 11 of the Rules Governing Section 2254 Proceedings for the United States District Courts (explaining that a “district court must issue or deny a certificate of appealability when it enters a final order adverse to [an] applicant”). Petitioner has waived, however, the right to file an appeal by failing to file objections to the Magistrate Judge's recommendations. *See Thomas v. Arn*, 474 U.S. 140, 147 (1985); *United States v. Walters*, 638

F. 2d 947, 950 (6th Cir. 1981). The Court therefore **DECLINES** to issue a certificate of appealability.

**IT IS SO ORDERED.**

*s/ George C. Smith*  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**